

REMARKS

At the outset, the Examiner is thanked for considering the pending application. The Office Action dated January 9, 2008 has been received and its contents carefully reviewed.

Claim 1 has been amended and claim 28 has been added. Claim 10 has been canceled. No new matter has been introduced. Currently claims 1-9 and 11-28 are pending and claims 11-26 have been withdrawn without prejudice. Applicants respectfully request reconsideration of the pending claims.

The Office Action rejects claims 1-9 and 27 under 35 U.S.C. 102(b) as being anticipated by Applicant's Related art (ARA). Applicants respectfully traverse.

On page 4 of the Outstanding Office Action, the Examiner stated that "something that is at the bottom of a hole is reasonably considered to be in the hole" and "wherein the sixth conductive layers are formed in the first contact hole and in the contact hole of the first insulating layer [sixth layers 24B and 14B exist at the bottom of (Applicant's formed in) the contact holes]".

Applicants respectfully disagree. The sixth layers 24B and 14B are not formed in the first contact hole and in the contact hole, but formed under the first contact hole and the contact hole. The contact hole is located in the first insulating layer 16 and the sixth layer 14B is formed under the first insulating layer 16. Also the first contact hole is located in the second insulating layer 26 and the sixth layer 24B is formed under the second insulating layer 26. Therefore the sixth layers 24B and 14B are formed under the first contact hole and the contact hole.

However, in the interest of expediting prosecution, Applicants have amended claim 1 to further define the present invention. Amended Claim 1 recites, *inter alia*, "a sixth conductive layers between and in contact with both the exposed portion of the third conductive layers and the fourth conductive layer, and between and in contact with both the first conductive layers and the fifth conductive layer, wherein the sixth conductive layers are only formed in the first contact hole and in the contact hole of the first insulating layer".

ARA fails to teach these elements. ARA, therefore, cannot anticipate claim 1. Claims 2-9 and 27-28 variously depend on claim 1 and thus are not anticipated by ARA for at least the same reason as claim 1. Applicants, therefore, respectfully request withdrawal of this rejection.

The application is in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: 8 April 2008

Respectfully submitted,

By


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